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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/587,663

04/14/2008

Pierre Untersinger

8952-000009/US/NP

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EXAMINER

ENGLISH, JAMES A

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

06/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/587,663 | Applicant(s) UNTERSINGER ET AL. | |
| | Examiner James English | Art Unit 3616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/26/2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-2, 5, 9-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al. in view of DiBattista et al. (US 2003/0132657).

With respect to claims 1, 5, 9-10 and 13, Spencer et al. discloses a method of making an airbag (232) and an airbag (232), the method comprising the steps of blow moulding a selected plastics material comprising PC to form the airbag (232) utilizing a mould corresponding to the final uninflated state (273, 275) of the airbag (232). (Figs. 12 and 18-19, col. 4, lines 4-11, col. 6, lines 7-27 and col. 7, lines 1-4.) Spencer et al. further discloses the mould being such that the moulded airbag (232) has at least one

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indented annular groove (269), which, on inflation of the airbag (232) becomes outwardly extending and a central indented area (Modified. Fig. 14 – below), which the annular groove (269) surrounds the central indented area (Figs. 14 and 17). (Figs. 14-17, col. 5, lines 5-67 and col. 6, lines 1-58.) Spencer et al. suggests that other suitable thermoplastic materials may be used but does not specifically state using ABS. (Col. 6, line 64-67 and col. 7, lines 1-4.) DiBattista et al. teaches of using a blow molded (paragraph 28) thermoplastic material comprising a 100 weight percent mixture, or a mixture consisting essentially of ABS and PC (paragraph 27: “thermoplastic materials ... include ... thermoplastic polycarbonate ... thermoplastic acrylonitrile-butadiene-styrene ... and mixtures ... containing one or more thereof.”) to form an automotive airbag (Paragraph 59). (Paragraphs 26-28, 58-59.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a blow-moulded airbag made of ABS and PC as described in DiBattista et al. into the invention of Spencer et al. in order to make an automotive airbag whose structure is rigid. (Paragraphs 27-28, 59.) In addition, Spencer et al. discloses the claimed invention except for specifically stating ABS as a suitable thermoplastic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use ABS in combination with PC, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. See also *Ballas Liquidating Co. v. Allied industries of Kansas, Inc.* (DC Kans) 205 USPQ 331.

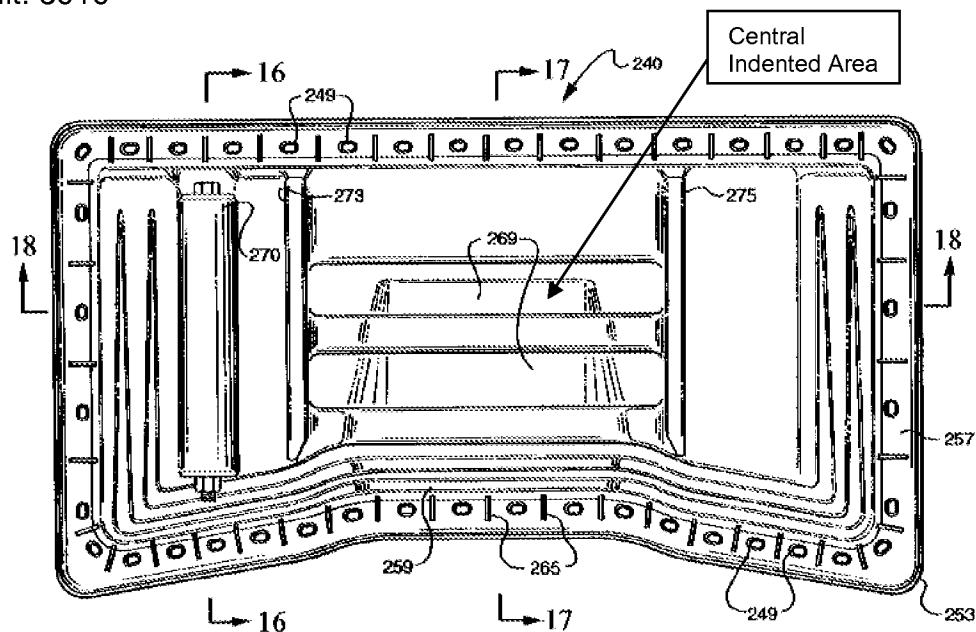


FIG. 14

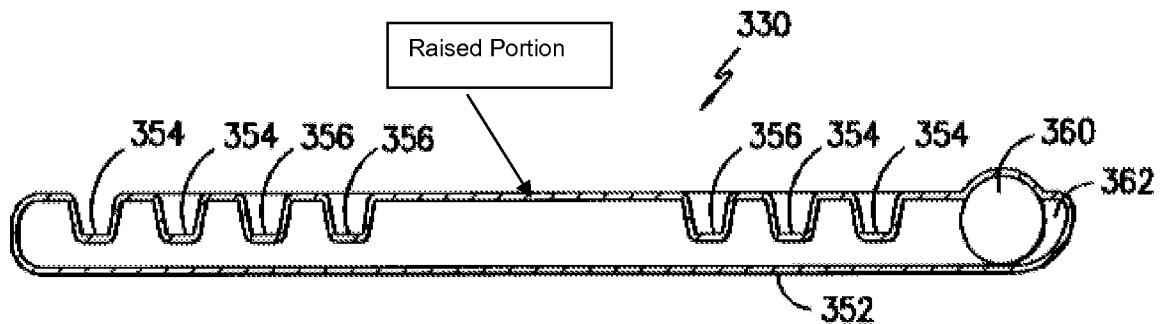
With respect to claim 2, Spencer et al. discloses a gas generator (270) for the airbag (232). (Col. 6, lines 1-6.)

4. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al. and DiBattista et al., as applied to claim 1 above, and further in view of Conlee et al. (US 6,758,493).

With respect to claims 11-12, Spencer et al., as modified, discloses a blow moulded airbag wherein the indented region (269) comprises an annular indented groove (Fig. 12) but does not disclose the indented region surrounding a raised portion. Conlee et al. teaches of a blow moulded inflatable airbag that has an annular groove (354) including a substantially oval shape (Fig. 13) that surrounds a raised portion (Modified. Fig. 14). (Figs. 13-15, col. 3, lines 64-67, col. 4, lines 1-13, col. 6, lines 66-67, col. 7, lines 1-29.) It would have been an obvious matter of design choice to make the different portions of the annular groove of whatever form or shape was desired or

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expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47.



Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the PTO-892 form disclose similar features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James English whose telephone number is (571)270-7014. The examiner can normally be reached on Monday - Friday, 8:00 - 4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571)272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James English/
Examiner, Art Unit 3616

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3616